THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :12225 of 2007

DATED:14-06-2007

BETWEEN:

Baleeq Zainulabedin @ Nayeem.

..... PETITIONER

AND

The Station House Officer,
Hatnoor Police Station,
Medak District & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus directing the respondents not to harass the petitioner in connection with Cr.No.54 of 2007, dated 24-05-2007, for the offence under Section 337 IPC on the file of the 1st respondent and consequently declare the action of the respondent, as illegal and arbitrary.

3. It is the case of the petitioner that pursuant to registration of Cr.No.54 of 2007, dated 24-05-2007, under
Section 337 IPC on a complaint filed by one B.Durgaiah, stating that while he was going on a Hero Honda motor cycle a white Tata Sumo came in a rash and negligent manner in high speed and hit the back of the said motor cycle as a result of which the driver of the motor cycle and the complainant both received severe injuries and were admitted in the hospital. It is stated that the said complaint was filed against unknown persons and the petitioner is neither the owner of the said white Tata Sumo nor the driver of the motor cycle and he has no connection with the said Tata Sumo but on suspicion petitioner is being called to the police station and harassed with regard to the said incident.

4. I am not inclined to express any opinion with regard to the involvement of the petitioner or otherwise in the said crime. If the petitioner is suspected, without following due process of law, police cannot call him and make to sit in the police station. If he is really involved in the said crime it is always open for the police to show him as an accused and interrogate, and if his appearance is required he should be summoned by an order requiring him to give statement, but without following due process of law petitioner cannot be harassed and his personal life and liberty cannot be interfered with.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

14th June, 2007.
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